

REMARKS/ARGUMENTS

Claims 1-12 are pending, with Claims 1, 5, and 7 being the only independent claims. In the present Amendment, pending Claims 1-12 have been amended so that the language is in accordance with U.S. patent practice and to clarify the nature of the claimed invention. Reconsideration and withdrawal of the rejections are requested on the basis of the foregoing amendments and following remarks.

In the Office Action dated 6 June 2003, the Examiner rejected all pending claims (Claims 1-12) under 35 U.S.C. §103(a) as unpatentable over *Buhrmann et al.* (US 5,950,125; hereinafter *Buhrmann*). Applicant respectfully disagrees, and submits that the present claims (as clarified by the present Amendment) are patentable over *Buhrmann* at least for the following reasons.

The applicant admits that the general concept of providing the user of a cellular radio communications system with a location-dependent service profile is known. As is stated in the Background section of the present application (from line 32, page 1, to line 2, page 2) in reference to the Canadian application corresponding to *Buhrmann*:

The reference publication CA 2,195,487 discloses the definition of a so-called user zone, which consists of one or more cells or cell sectors. It is on [sic] the responsibility of a mobile telephone switching office (more commonly known as the MSC or Mobile services Switching Centre) to store a user zone profile and to modify a service profile for a cellular telephone when that cellular telephone is situated within a user zone.

Furthermore, lines 45-60 in col. 1 of *Buhrmann* discloses a prior art arrangement where location-specific handling of incoming calls takes place in response to the network determining (i.e., reading from a network-based location register) that the subscriber is either at remote location "A" or "B".

However, in *Buhrmann* and the other prior art, it is **the network** which plays the prominent role in discovering the location of the mobile terminal in respect to the service areas. For example, when *Buhrmann* describes how the network establishes a communication link between a certain terminal and a certain MTSO by determining whether the terminal is within a user zone (see col. 11, line 59, to col. 13, line 14), it is a processor within the MTSO that is responsible for determining the location of the terminal (see especially col. 12, lines 40-64).

In the invention claimed in independent Claims 1, 5, and 7 of the present application, the responsibility for generating the location information and subsequently communicating it to the service server is given to **the mobile station**. This is in sharp contrast to the prior art (including *Buhrmann*), in which the network is the place where the actual location information is generated.

This is an important distinction, because, if the network is responsible for generating location information, the mobile terminal and its user are at the mercy of the network operator. For example, if the network operator does not implement the location determination feature in one, more, or all of its base subsystems and/or switching centers, a prior art mobile terminal can do nothing. On the other hand, if location determination is a feature of the mobile terminal itself, as it is in independent Claims 1, 5, and 7, the entire procedure of offering localized services can be made independently of the network operators. Thus, in a system according to the present invention, the service server may be a computer operated independently of a network operator (accessible, for example, through the Internet), while the network operator maintained network hardware is only used as a carrier of information.

At least because *Buhrmann* neither teaches nor discloses a mobile station which determines its location in regards to localized service areas and communicates that information to a service server, and independent Claims 1, 5, and 7 of the present application recite such a mobile station, Claims 1, 5, and 7 are patentable over *Buhrmann*. Withdrawal of their rejection is respectfully requested.

At least because Claims 2-4, 6, and 8-12 depend from independent Claims 1, 5, and 7, which are believed to be in condition for allowance, dependent Claims 2-4, 6, and 8-12 are also believed to be in condition for allowance. Withdrawal of their rejection is respectfully requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 

Michael C. Stuart
Reg. No. 35,698
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: September 8, 2003